

OLL 85-2726/3
18 September 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Polygraph Legislation - H.R. 1524 and 1924: Mark up

1. On 18 September 1985, I attended the hearing and mark-up held by the Subcommittee on Employment Opportunities of the House Committee on Education and Labor on H.R. 1524 and 1924. As per my earlier memo, we had, through Rob Gabany in Representative McKinney's office, inserted language in the bill clearly exempting the Agency and other agencies in the Intelligence Community. When I arrived, the hearing portion was coming to a conclusion with a representative of Days Inn Corporation concluding his testimony. The hearing portion of the proceeding was then adjourned and the mark-up portion convened.

2. At the markup, Representative Williams reported an amendment in the nature of substitute which was to do four things: 1) create a counterintelligence exemption through incorporation by reference of certain provisions in the 1986 DOD Authorization Bill conference; 2) protect "whistle blowers"; 3) repeat the enforcement provisions of the Fair Labor Standards Act Amendments (the enforcement vehicle for this legislation); and 4) make certain technical changes.

3. Representative Henry then offered an amendment to the substitute on behalf of Representative McKinney which was to be the amendment which I had worked out with Rob Gabany. The Subcommittee accepted Representative Williams' amendment in the nature of the substitute and the Henry Amendment to the Williams Amendment. Representative Gunderson asked why a contractor exemption was needed. Representative Henry brought to his attention the Justice letter which this office had cleared on the 17th. Representative Gunderson accepted that rationale and the letter was made part of the record. A copy of the amendments were not available, but Mr. Gabany promised to allow me to pick them up the next day.

4. Afterward, Rob Gabany stated that he expected the full Committee to markup the bill within the next 10 days to 2 weeks. At that time, he stated that Representative Henry would work to broaden the DOD exemption. I promised to work with him to insure the intelligence exemption remains in the legislation.

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Legislation Division
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LEG/OLL: [redacted] jlb (19 September 1985)

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